

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF AVA	)	APPEAL NO. 06-A-2032
LUTTEMAN from the decision of the Board of	)	FINAL DECISION
Equalization of Canyon County for tax year 2006.	)	AND ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing October 25, 2006, in Caldwell, Idaho, before Hearing Officer Steve Wallace. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Owner Ava Lutteman appeared for herself. Rural Supervisor Bob Tamminga and Appraiser Don Towery appeared for Respondent Canyon County. This appeal is taken from a decision of the Canyon County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. 4244 05N02W346300.

**The issue on appeal is the market value of a residential property.**

**The decision of the Canyon County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$159,600, and the improvements' valuation is \$92,300, totaling \$251,900. Appellant requests the land value be reduced to \$31,200, and the improvements' value be reduced to \$70,000, totaling \$101,200.

The subject property is located in Canyon County near Middleton, Idaho. It is 7.960 acres with a 2,300 square foot residence built in 1958. Other than new roofing, Appellant reported there has been little updating to the house. There are also a couple outbuildings and an old pool on the parcel. The "sheds" are said to be in very poor condition. One larger outbuilding does have electricity, water supply and a floor. Improvements other than the residence were assessed for \$2,500.

Taxpayer noted there was a fire in 1992. At that time about half the home was destroyed. Taxpayer further described clouded windows that need replacement, curled linoleum and faded

exterior siding. One wall is said to be open to the outside. The family room is described as having considerable smoke damage.

Taxpayer thought the increase in subject's 2006 assessed value was alarming. Appellant described a deep gully, where irrigation water and snow melt accumulate, is present on the property. This couple acres, together with other non-irrigated acres, was contended to be wasteland with no value.

The County Appraiser reported the property could not be fully inspected due to a closed gate with no trespassing signs. Large trees and other features block even a full exterior view of subject. From information on a May 1992 building permit, it was assumed the dwelling was rebuilt/restored after the fire. A copy of the permit was provided by Respondent that noted a bedroom addition and a new roof structure were constructed. At the time, the work cost was estimated at \$71,029.

The County explained only a public right-of-way was properly considered wasteland with no value. This accounted for one-half acre of the total acreage. Respondent provided the comparable sales it considered. Where possible the sales were selected and relied on that had a dry sagebrush landscape. The County analyzed four (4) sales in subject's area comparing them with the subject property.

Studies of prior residential assessed values to sale prices of area properties was so low, the indicated assessment levels did not meet legal (market value) requirements. The County explained it made a positive trend to older 2005 assessed values to reflect current 2006 market value. According to the Appraiser, sale prices in the area had been increasing 20-30 percent per year. It was noted the subject property assessed value had increased 38% between 2002 and

the current year.

The Assessor indicated a willingness to fully inspect subject property and make any corrections to current records, and as appropriate to the appraised values.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Appellant maintained subject property was valued excessively. It was suggested property records may be incorrect. However, Appellant has not taken advantage of the County's offer to inspect subject and to fully review the accuracy of current property records. Appellant did not present photographs, or other information, of property damage or deteriorated conditions that would permit a review and possible change by this Board.

Idaho is a market value state for property tax purposes. Older residential property like subject is typically appraised through a consideration of comparable sales. Appellant did not provide detailed cost to cure information, nor were any comparable sales offered for the Board to consider. Appellant did attempt to inventory subject's property characteristics and to evaluate their market value through a consideration of nearby, recent, and similar property sales.

Market value is the legal standard most relevant to this appeal. The following code sections express the standard in more detail.

63-205. ASSESSMENT -- MARKET VALUE FOR ASSESSMENT PURPOSES. (1)  
All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day of January in the year in which such property taxes are levied, except

as otherwise provided. Market value for assessment purposes shall be determined according to the requirements of this title or the rules promulgated by the state tax commission.

63-201. DEFINITIONS. As used for property tax purposes in title 63, chapters 1 through 23, Idaho Code, the terms defined in this section shall have the following meanings . . .

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Based on the record presented, the Board cannot determine if the condition ratings of the subject improvements are in error. An assessment of property, properly prepared, enjoys a presumption of correctness until proven to be in error. Idaho Code 63-511(4).

Sales information offered by the County appears to support subject's assessed value. Under the circumstances, the Board will uphold the subject property's assessed value for 2006.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Canyon County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 15th day of March , 2007.